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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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May 7, 2001

Ms. Magalie Roman Salas  
Federal Communications Commission  
445 12<sup>th</sup> St., S.W. – Room TWB-204  
Washington, D.C. 20554

Re: Joint Comments – Telecommunications Relay Services and the Americans  
with Disabilities Act of 1990, CC Docket No. 90-571.

Dear Ms. Salas:

Attached are the jointly filed comments of Coin Sent-Paid Industry Team, whose members for this purpose are: AT&T, Verizon, Sprint, WorldCom, BellSouth Telecommunications, Inc., SBC, American Public Communications Council, Hamilton Telephone, Qwest, and Vista IT in the above-captioned proceeding.

The only member of the Coin Sent-Paid Industry Team not included in this filing is the United States Telephone Association, who due to time constraints was unable to join this filing.

Yours truly,

Michael F. DelCasino  
Co-Chair – CSP Industry Team

Linda Nelson  
Co-Chair – CSP Industry Team

cc: Karen Peltz-Strauss  
Pam Gregory

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**MAY - 7 2001**

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

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| <b>In the Matter of</b>                          | ) |                             |
| <b>Telecommunications Relay Services and the</b> | ) | <b>CC Docket No. 90-571</b> |
| <b>Americans with Disabilities Act of 1990</b>   | ) |                             |

**COMMENTS OF THE COIN SENT-PAID INDUSTRY TEAM**

May 7, 2001

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## EXECUTIVE SUMMARY

In this Notice of Proposed Rulemaking the Commission seeks comments on various proposals and conclusions regarding modification of its existing coin sent requirement for making relay calls from payphones. The Coin Sent-Paid Industry Team takes the following positions and offers the following recommendations on the Commission's proposals:

In response to the concern that a user of a prepaid card might be charged for a local payphone call to relay, the Commission proposes to require communications assistants to ask TRS users for the telephone number to be dialed, determine if the call is local or toll, and inform the caller of the local nature of the call if it is local. This proposal could extend call set-up time and inconvenience all customers of certain relay providers. Instead, the Industry Team believes current education efforts, in particular the wide distribution of the wallet-sized card, remains the most effective method of ensuring that when a call is placed from a payphone the caller gives the number he or she wishes to call.

In response to the concern that the Commission can not prescribe a rate for prepaid cards less than the coin sent rate, the Commission proposes requiring carriers to ensure that collect and third party calls to relay centers from payphones will be provided at rates less than the coin sent rate. This proposal could require the replacement of all Operator Positions in every Operator location in the country and would be prohibitively expensive to implement. However, the Commission does not need to prescribe a rate for prepaid cards, or turn to payment options other than calling cards, in order to ensure functionally equivalent alternatives to coin dialing. The prepaid card market is competitive, and so the Commission should rely on market forces to ensure that consumers will have many viable prepaid card options from which they may choose to obtain rates less than the coin sent rate. Calling

cards and prepaid cards remain the most feasible method for ensuring functionally equivalent toll dialing from payphones.

The Industry Team agrees with the Commission that outreach efforts by individual carriers, consumers, and government will remain an important component of TRS payphone requirements and generally supports the Commission's outreach proposals. The Industry Team will work with organizations representing persons with hearing or speech disabilities to revise the consumer education letter instructing consumers how to make TRS payphone calls and how to pay for such calls.

Now that the Commission proposes to modify its coin sent-paid requirements, it no longer makes sense for carriers to pool costs associated with TRS outreach, as the Industry Team has done heretofore. Carriers are in the business of competing with each other, and do not have mechanisms for sharing the costs of consumer education programs. Therefore, the proper entity to provide outreach materials at conferences or via web sites, free of association with specific carriers or specific relay providers, is a neutral governmental body, or an agent of the government, such as the Administrator of the Interstate TRS Fund.

The Industry Team believes requiring carriers to place instructions on how to make TRS payphone calls on or near TTY payphones located in public areas, as proposed by the Commission is not practical for a number of reasons: it would take up already limited space; it could require carriers to use property they do not own or control; and it could be unenforceable.

The Industry Team supports the Commission's proposal to publish information on how to make payphone calls to relay centers in carrier directory publications, with the

provision that carriers be given a reasonable window of time (corresponding to the normal publishing cycle) after the effective date of the final Order to implement this requirement.

The Industry Team will work closely with representatives of consumer organizations to develop a consumer education letter and new wallet-sized cards reflecting the Commission's new TRS payphone rules. The Industry Team does not see the need for special, formal meetings confined to carriers and consumer groups to evaluate the effectiveness of the other proposed outreach measures since new outreach measures should be undertaken by a governmental entity or an agent of the government.

Since expansion in consumer outreach efforts should be the responsibility of the government or an agent of the government, carrier reports would not provide the information necessary to evaluate the success of future outreach efforts. However, if the Commission were to require carriers to file such reports, a one year report would be sufficient.

The Commission desires to improve awareness of how to make TTY-TTY calls from payphones more available. To accomplish this goal it proposes requiring TRS centers allow TTY-TTY toll calls from payphones at rates equivalent to voice-to-voice calls. Aside from the exorbitant cost associated with modifying Operator Positions throughout the country, the Commission does not have authority to require rate equivalence for TTY-TTY calls since these calls are not relay calls. A more appropriate way to improve awareness of how to make TTY-TTY calls from payphones would be to include information about the availability and use of deaf operator services in the national outreach effort contemplated by the Commission in its Further Notice to the Improved TRS Order.

The Industry Team has recently reexamined the availability of a technical solution to make coin sent dialing to relay from payphones and reports that no such solution is

imminent. Due to the low probability a technical solution will materialize, the benefits of requiring carriers to continue to monitor technological developments that might support coin sent TRS calls from payphones are negligible. The Industry Team proposes that the Consumer/Disability Telecommunications Advisory Committee is a more appropriate body to identify potential technical solutions for coin-sent relay calls from payphones.

Finally, the Commission asks whether free local relay calling from payphones interferes with the ability of carriers to provide TRS users access from payphones. This feature of the Alternative Plan has been in effect since 1995, and has not affected the ability of PSPs or carriers to provide TRS users access from payphones. The Industry Team does not oppose reimbursement for the uncompensated costs of local calling from payphones, but does not believe it is required in order to ensure continued availability of TRS access from payphones.

## BACKGROUND

In 1993, the Commission suspended enforcement of its coin sent-paid (“CSP”) requirement until 1995 on the grounds that technical infeasibility made timely compliance impossible, by which time it hoped an economically feasible technical solution would be developed.<sup>1</sup> During this period of time an Industry Team<sup>2</sup> investigated the feasibility of a technical solution and concluded that the most promising technical solution, the coin signaling interface, would not provide a functionally equivalent method of calling TRS centers from payphones and would be prohibitively expensive to implement.

Based on this investigation, a number of carriers, relay providers, and state regulators petitioned the Commission to permanently suspend enforcement of its CSP requirement and instead adopt an alternative to coin sent dialing.<sup>3</sup> The Commission agreed with petitioners’ assessment that a functional equivalent to coin dialing from payphones was not available and suspended enforcement of its CSP requirement for another two years. The Commission also adopted an Alternative Plan proposed by petitioners whereby: 1) local TRS payphone calls would be provided free-of-charge; 2) toll TRS payphone calls could be charged to either calling cards or prepaid cards with rates not to exceed those that would apply to a similar

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<sup>1</sup> In the Matter of Telecommunications Relay Services and the Americans with Disabilities Act of 1990, Order on Reconsideration, Second Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 90-571, Released February 25, 1993 at &8.

<sup>2</sup> Industry Team members are: AT&T, GTE and Bell Atlantic (now Verizon Communications), Sprint, WorldCom, BellSouth Telecommunications, Inc., SBC, American Public Communications Council, Hamilton Telephone, USTA, U.S. West (now Qwest), and Vista IT.

<sup>3</sup> Petitions of: AT&T, the Indiana Telephone Relay Access Corporation for the Hearing and Speech Impaired, MCI, the Nebraska Public Service Commission, Sprint, USTA, and jointly, by Ameritech, Bell Atlantic, BellSouth Telecommunications, Inc., GTE, NET, NYNEX, Pacific Bell, Nevada Bell, SWBT, and US West, filed April 24, 1995.



non-TRS call made using coins as a method of payment; and 3) the Industry Team would develop consumer education materials to advise TRS users of these alternative payment options.<sup>4</sup>

The Alternative Plan has been in effect from 1995 to the present day. During this period of time, it has been subject to regular improvements in consumer outreach methods and materials and has provided a functionally equivalent alternative to coin sent dialing from payphones. As explained below, the Industry Team recently sought to determine whether a technical solution had become available since its initial inquiry in 1995 and concluded that there is no technical solution to providing functionally equivalent calling to relay centers from payphones.

In its Notice, the Commission affirms the Industry Team's conclusion that a technical solution to providing functionally equivalent dialing from payphones to relay centers is not available and seeks comments on a plan that builds upon and modifies the Alternative Plan. The members of the Industry Team commend the Commission for taking steps to establish a permanent plan to provide functional equivalent dialing to relay centers and hereby offers its comments and suggestions on the various proposals and conclusions offered by the Commission in its Notice.

#### **COIN VOLUME FROM PAYPHONES REMAINS *DE MINIMUS***

The Commission is now proposing new rules for TRS calls made from payphones based in part on 1996 data, that: 1) coin sent calls from payphones among non-TRS users is a

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<sup>4</sup> In the Matter of Telecommunications Relay Services and the Americans with Disabilities Act of 1990, Memorandum Opinion and Order, CC Docket No. 90-571, Released August 25, 1995, at &17.

very small, declining, share of toll calling in general (1-2 percent); and 2) TRS payphone calls are a very small share of TRS calls (1-2 percent).<sup>5</sup> The Commission requested parties to comment on these tentative conclusions.

The Coin Sent-Paid Industry Team (“Industry Team”) does not have recent data on the share of TRS calls made from payphones but last year submitted data showing that coin sent calls are declining significantly, as was already evident in 1996. GTE reported that its coin revenues declined by 22 percent between 1Q 1998 to 1Q 2000. AT&T reported its coin sent-paid revenues declined by 30 percent from 1Q 1997 to 1Q 2000.<sup>6</sup> Additionally, the American Public Communications Council (APCC) reports that two of its largest independent payphone service provider (“PSP”) members, Davel Communications, Inc. (“Davel”) and PhoneTel Technologies, Inc. (PhoneTel), reported declining revenues and the removal of unprofitable payphones for the year ending December 31, 2000. Davel reported coin call revenue declined 26 percent from 4Q 1999 to 4Q 2000. Davel’s non-coin call revenue declined 32 percent during the same time period. Additionally during this period, Davel decreased its number of payphones by 10 percent, which impacted both its coin and non-coin revenue. In addition to having fewer phones in service, Davel continued to experience lower call volumes as a result of competition from wireless communications services as well as changes in call traffic. PhoneTel reported that revenues for 2000 declined 14.3% during 1999. In addition, PhoneTel removed approximately 3,400 unprofitable payphones during 2000. Thus, most data confirm the Commission’s tentative conclusion that

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<sup>5</sup> Notice at &26.

<sup>6</sup> Report of Coin Sent-Paid Industry Team, CC Docket 90-571, July 6, 2000, at 17.

the number of toll coin sent-paid calls TRS users would make, if they had this capability, would be very minimal.

## **CONSUMER EDUCATION IS THE APPROPRIATE METHOD TO PREVENT CHARGES FOR LOCAL CALLS**

In its Notice, the Commission proposes to adopt the existing feature of the Alternative Plan that local TRS calls made from payphones be provided free-of-charge.<sup>7</sup> The Industry Team supports this proposal. In order to implement free local calling from payphones on a permanent basis, the Commission first proposes requiring communications assistants (“CAs”) to indicate to the local carrier that it should not bill the TRS user for the local call.<sup>8</sup> Currently, relay facilities automatically determine whether a call is local and automatically refrain from creating a billing record. It is not necessary for the CA to indicate to the local carrier not to bill the TRS user. The Industry Team asks the Commission to clarify that free TRS calls from payphones may continue to be implemented by this method rather than requiring the CA to create a special billing record. Creating a special billing record would be more expensive for both relay providers and local exchange companies (“LECs”) who would have to modify their billing systems to recognize this special record.

The Commission expressed concern that situations may arise where a local TRS call from a payphone may not be provided free-of-charge. The first situation involves the use of a prepaid card to make a local call. If a user gives the CA his or her prepaid access number,

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<sup>7</sup> In the Matter of Telecommunications Relay Services and the Americans with Disabilities Act of 1990, CC Docket No. 90-571, Memorandum Opinion and Order (“Alternative Plan Order”), Released August 25, 1995, at &18.

<sup>8</sup> Notice at &31.

the TRS user may be charged for the local call because some prepaid calling cards start charging the moment the number to access the carrier's service is dialed. The CA would not be able to prevent or reverse these charges once they have been incurred.

The Industry Team believes current education efforts, in particular the wide distribution of the wallet-sized information card, has been an effective method of ensuring that when a call is placed from a payphone the caller gives the number he or she wishes to call (rather than the access number of the pre-paid card provider). The text of the wallet-sized card states: "[to] make a relay coin call: 1) call your relay (TRS) number; 2) give number you want to call; 3) for long distance, give calling card or prepaid card number."<sup>9</sup> As a result of this and other outreach efforts, it is standard practice for TRS users to automatically give the number of the called party without any prompting from the CA.

The Commission's proposal to require CAs to ask TRS users for the telephone number to be dialed, determine if the call is local or toll, and inform the caller of the local nature of the call if it is local,<sup>10</sup> could extend call set-up time and inconvenience all customers of certain relay providers. The Commission's proposal to have the CA ask for the called party's number is based on the assumption that the CA can identify a payphone call as soon as the call arrives at his or her console.<sup>11</sup> If this were the case, the CA would only have to engage in the additional inquiry regarding the geographic destination of the called party for a limited number of relay calls.

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<sup>9</sup> See, Attachment 1 (copy of CSP Card).

<sup>10</sup> Notice at &33.

<sup>11</sup> Notice at &31.

However, the consoles for some TRS providers are able to identify an incoming payphone call only if the caller provides billing information as required for non-local calls. Since billing information would not be required for accessing 800 numbers, and many prepaid card platforms are accessed via 800 numbers, these CAs would be required to ask every TRS caller for the number of their called party, and verify that this was not a prepaid access number. This could easily add 15-30 seconds to the set up time for every TRS call, a large inconvenience to the vast majority of that relay provider's customer base.

Requiring CAs to make special inquiries to prevent a charge for a local call would alter long-standing practices and result in increased confusion for many callers. Industry Team experience suggests that callers generally wait to be asked for a billing method when they do not know if the call will be local or toll. Consequently, preventing the possibility of being charged for a local call by mistakenly giving the CA a prepaid access number is best handled solely through consumer education along the lines the Commission suggests in the Notice.<sup>12</sup>

The second situation refers to a concern raised by the Consumer Action Network ("CAN") that a TRS user may pay a charge for a call as if it were a toll call, even though the call distance is only a few blocks.<sup>13</sup> The Industry Team believes the methods relay providers use to assign local status to calls from payphones ensures that TRS customers will receive the same, if not more favorable treatment than non-hearing or non-speech disabled customers receive using coins. Non-hearing or non-speech disabled customers would have a call considered local according to the zones used by PSP, zones that are frequently more

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<sup>12</sup> Notice at &33.

<sup>13</sup> Notice at &32.

restrictive than local calling area zones. In most states, relay providers utilize wider zones for assigning a local status to a call, either by using local calling area zones, or even wider mileage bands. For all calls within the local zone used by the PSP, hearing and speech-disabled customers receive free dialing compared to the local coin charge for other callers. For all calls within the local calling area or mileage band, but outside the local zone used by the PSP, hearing and speech-disabled customers would receive free dialing, while non-disabled customers would pay toll charges. For calls outside the local calling or mileage band, hearing and speech disabled customers would pay the same toll charge as other customers. It is possible that if a call is placed from a payphone that is near the border of a local calling area into a different calling area, a toll charge would be incurred. But the same toll charge would be paid by all callers. Thus, all TRS calls from payphones are charged at rates equal to, or lower than, non-hearing and non-speech disabled customers, ensuring that these customers receive better than equivalent rates for calls made from payphones.

**CALLING CARDS AND PREPAID CARDS REMAIN THE MOST FEASIBLE METHODS FOR ENSURING FUNCTIONALLY EQUIVALENT TOLL DIALING FROM PAYPHONES**

Under the terms of the Alternative Plan, TRS toll calls placed from payphones could be paid for by either a prepaid card or a calling card with rates at or less than a carrier's coin sent rate.<sup>14</sup> In its 18-Month Report on the Alternative Plan, the Industry Team noted that carriers do not have the ability to ensure that prepaid card rates are always less than the coin

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<sup>14</sup> Alternative Plan Order at &18.

sent rate since many of the cards are marketed by non-carriers.<sup>15</sup> Another complication that the Industry Team now notes is that toll rates can differ by carrier. Notwithstanding these complications experience has shown that prepaid cards have and do offer an efficient and functional alternative to coin sent calls. Not only are prepaid cards generally easy to obtain and easier to carry than coins, the members of the Industry Team that offer prepaid cards have toll usage rates that, in general, are lower than the applicable coin sent rate. Similarly, non-carriers' calling cards also typically offer toll rates lower than the coin sent rate.

Indeed, Industry Team members have complied with the terms of the Alternative Plan by setting toll rates for their prepaid or calling cards less than their coin sent rate. Furthermore, all users of calling cards have benefited because these lower than coin sent rates have been made available to all customers, not just TRS users.

In its Notice, the Commission proposes abandoning its former reliance on prepaid cards as a functional alternative to coin calls. In its place, it proposes adding two new payment methods: collect calling; and third-party billing. The Commission proposes that calls paid for by either of these new payment methods must be offered at rates less than the coin sent rate.<sup>16</sup> The Industry Team does not support this proposal.

One reason the Commission offers for abandoning prepaid cards as a functionally equivalent alternative to coin calling is its concern that regulated carriers would be required to set prepaid rates below the coin rate, while non-carriers would not be so constrained,

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<sup>15</sup> 18-Month Report of the Petitioners on Alternative Plan for Telecommunications Relay Services Coin Sent-Paid Calls ("18-Month Report"), CC Docket No. 970571, March 12, 1997.

<sup>16</sup> Notice at &36.

placing carriers at a competitive disadvantage to non-carrier providers of prepaid cards.<sup>17</sup>

This concern is misplaced. Carriers gain competitive advantage by offering prepaid cards at lower, not higher, rates. Members of the Industry Team in general do not feel constrained by offering prepaid cards at rates below the coin sent rate. While there are prepaid card providers that charge high rates, and do bill for calls attempted rather than calls completed, the market is competitive. Consumers that mistakenly purchase a prepaid card with high rates or unfavorable rating practices can easily find an alternative prepaid card with a rate less than the coin sent rate, and are so advised by the wallet-sized, CSP educational cards.<sup>18</sup> Just as the Commission may forbear from regulating a service charge or practice if it finds that such regulation is not needed to protect consumers,<sup>19</sup> so may the Commission rely on the market conditions for prepaid cards, *viz.* their ready availability and low investment costs, to ensure that TRS customers can make functionally equivalent calls from payphones using prepaid cards.<sup>20</sup> Including education about prepaid card rate variability in the national outreach effort envisioned for TRS will further strengthen the ability of prepaid cards to provide an equivalent alternative to coin sent dialing.

The Commission proposes to replace prepaid cards as a functional alternative to coin dialing, with collect and third-party billing. The Industry Team does not view these billing methods as functional alternatives to coin. Unlike calling cards and prepaid cards, these

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<sup>17</sup> Notice at ¶35.

<sup>18</sup> *See*, Attachment 1.

<sup>19</sup> Moreover, the Commission does not have authority to regulate prepaid cards. The authority to regulate prepaid cards rests with the Federal Trade Commission (FTC). Indeed, the FTC has taken a number of actions to ensure fair charges and practices of prepaid card providers. *See*, e.g., Attachment 2.

<sup>20</sup> 47 U.S.C. §10.



billing methods require the intervention of a live operator. The level of functionality and service offered by a live operator is more varied and qualitatively higher than offered by coin, prepaid, or calling card. For this reason, the cost of a collect or third-party billed calls is higher. The Commission adopted this same conclusion in its Alternative Plan Order and, on that basis, rejected proposals to include third-party billing in the Alternative Plan.<sup>21</sup>

If mandated, carriers could have three methods of implementing the Commission's proposal. Each of these methods contain significant disadvantages. First, carriers could reduce their collect and third party-billed rates for all customers below the coin rate. As explained above, to date carriers have complied with the Alternative Plan by keeping their prepaid and calling card rates below the coin rate for all of their customers. This has been feasible since calling and prepaid costs are generally less than the costs of making a coin call. The same is not necessarily true for collect and third-party billed calls. Carriers would likely lose substantial revenues if they were required to reduce charges for these billing methods below the coin rate.

Second, carriers could raise their coin sent rates above their current third-party and collect rates, a change that could add \$5-6 to a typical coin toll call for all payphone toll calls. Carriers may not lose revenue under this plan, but it is hardly in the public interest to provide functional equivalence by forcing carriers to raise rates for everyone.

Third, carriers attempting to adjust third party and collect rates below the coin sent rate from payphones would have to incur tremendous costs modifying their Operator Positions. Such a change would require the replacement of all Operator Positions in every Operator location. They would have to be replaced with positions and serving switches that

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<sup>21</sup> Alternative Plan Order at & 25.

work with SS7 trunking in place of the existing Modified Operator Signaling (MOS) used today.

Currently, relay CAs do not perform billing functions if the caller chooses third party billing or collect as the payment choice. When a CA gets a request for third party or collect billing, the CA asks the caller which carrier they prefer, and then sends the outgoing call request as a “0 plus” call to the network. The “0 plus” call is then delivered to the carrier’s operator site and the CA gives carrier operator the request for third party or collect billing, as well as the associated telephone number to which the call is to be billed. Some carrier operators may then have to send out a call to the LEC operator to whom that third party or collect number belongs. The LEC operator then makes an inquiry for acceptance of the call, and, only if the party to be billed answers and then verbally accepts the charge, creates an electronic billing record for the call. In all network transmissions from the network to the carrier operator and then from the carrier operator to the LEC operator, Modified Operator Signaling (“MOS”) is used. With this type of signaling, the necessary Feature Group D information identifying the call as both a TRS call and payphone call are not provided. MOS signaling does not have the capability of sending the required info-digits for the call to be identified as a TRS call from a payphone. As a result, when the call is billed, it would be billed as a regular third party or collect call, with no indicators on the electronic bill that it must be charged at a rate less than the coin sent rate. Not only would the costs of this option impose exorbitant costs on carriers, it would also place non-TRS users at a comparative disadvantage since they would continue to pay the higher rates associated with collect and third party billing.

Rather than incur the costs associated with any of the methods by which carriers might comply with the Commission's toll proposal, the Industry Team recommends the Commission retain the existing Alternative Plan requirement to keep calling card rates below the coin rate, and rely on competitive forces in the prepaid card market to ensure affordable, functionally equivalent, alternatives to coin dialing.

A final concern the Commission expressed regarding TRS toll dialing from a payphone involved the situation where a caller reached an answering machine or interactive voice response ("IVR") system, and was required to make multiple calls in order to leave a message or retrieve needed information. The Commission asked parties to comment on how to ensure that TRS users are not charged twice in this situation.<sup>22</sup> As the Commission notes, relay providers are already required to charge only once for calls that reach a message machine or IVR.<sup>23</sup> The Commission may ensure against callers being billed twice through its regular complaint and enforcement authorities.

#### **OUTREACH EFFORTS BY INDIVIDUAL CARRIERS, CONSUMERS, AND GOVERNMENT, WILL REMAIN AN IMPORTANT COMPONENT OF THE COMMISSION'S TRS PAYPHONE REQUIREMENTS**

##### **THE INDUSTRY TEAM HAS COMPLIED WITH THE OUTREACH REQUIREMENTS OF THE ALTERNATIVE PLAN**

Since the adoption of the Alternative Plan, the Industry Team has complied with the outreach requirements designed by the Commission to ensure consumers were aware of the Alternative Plan. The Industry Team has solicited input and suggestions from representatives of consumer organizations to improve its outreach efforts and has utilized

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<sup>22</sup> Notice at & 39.

<sup>23</sup> See 47 C.F.R. §64.604(b)(6).

their suggestions in its education efforts, beginning with the consumer education letter,<sup>24</sup> and continuing to the present. The Industry Team has engaged in a wide variety of education efforts, including attending local, regional, and national meetings of persons with disabilities, education letters to various deaf and hard-of-hearing newsletters and publications, videos, live demonstrations, web site outreach, and wallet-sized cards. In the year 2000, the Industry Team hosted exhibits at five national conferences and trade shows reaching several thousand people. The Team's efforts included hands-on demonstrations for consumers to make CSP calls using calling cards and prepaid cards and a videotape of how to use coin-sent-paid phones with prepaid and calling cards. Signs advertising hands-on CSP experiences were displayed at the Industry Team's booth. Additionally, more than ten thousand wallet-sized cards with picture illustrations were distributed at these events (See Attachment 1). Individual members of the Industry Team have made, and continue to make, the wallet-sized cards available at their respective booths as well as in all of their individual state outreach activities.

**THE INDUSTRY TEAM GENERALLY SUPPORTS THE COMMISSION'S OUTREACH PROPOSALS**

The Commission has proposed a number of measures to educate the public about making relay calls from payphones, many of which build on efforts currently being performed by members of the Industry Team, individual relay centers, and individual carriers. In its Notice, the Commission proposed the following consumer education efforts: 1) that carriers mail to CAN members and TRS centers, a consumer education letter providing instruction on how to make TRS payphone calls and the various options available for payment of these calls; 2) that carriers should attend and set up informational booths at

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<sup>24</sup> See Attachment 3.

consumer conferences of organizations representing people who are deaf, hard of hearing and speech disabled; 3) that carriers place instructions on how to make TRS payphone calls, near or on TTY payphones; 4) that carriers establish an Internet web site for individuals to obtain information about making relay calls from payphones; 5) that carriers place instructions how to make relay calls from payphones in telephone directories; 6) that carriers regularly consult with representatives of people with hearing and speech disabilities in carrying out the above measures, and 7) that carriers file reports detailing the steps that have been taken to comply with the consumer education programs 12 months after the Order. The Industry Team generally supports the Commission's outreach proposals. However, some of the proposals are best carried out by carriers or relay providers on an individual basis as part of their everyday operations, while other proposals are best carried out by a neutral, non-carrier entity.

**THE INDUSTRY TEAM WILL HELP DEVELOP A REVISED CONSUMER EDUCATION LETTER**

The Commission proposes that carriers mail to CAN, its member organizations, and to TRS centers, a letter instructing how to make TRS payphone calls and how to pay for these calls.<sup>25</sup> While the Commission does not envision a continued role for the Industry Team once the new coin-sent paid rules are implemented, the Industry Team volunteers to work with organizations representing persons with hearing or speech disabilities to develop this letter and then provide copies of the letter to CAN, its member organizations, and TRS centers, as the Commission proposes. Industry Team members worked with representatives of consumer organizations to develop the first consumer education letter, and it makes sense

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<sup>25</sup> Notice at &45.

to make this the last organized activity the Industry Team would undertake on behalf of all carriers.

**AN INFORMATIONAL BOOTH SHOULD BE STAFFED BY A GOVERNMENTAL ENTITY**

The Commission proposes carriers set up informational booths at various conferences hosted by organizations representing persons who are deaf, hard of hearing, and speech disabled, and designate a representative to disseminate various outreach materials.<sup>26</sup> In the past, the Industry Team undertook a variety of outreach activities on behalf of all carriers, including the staffing of a neutral industry booth, not linked to any one carrier, at consumer conferences. The joint outreach activities of the Industry Team were voluntary, temporary efforts, undertaken while the Commission's coin sent-paid requirements were temporarily suspended.

Now that the Commission is about to modify its coin sent-paid requirements, it no longer makes sense for carriers to officially pool costs associated with TRS outreach. Carriers are in the business of competing with each other and do not have mechanisms for sharing the costs of consumer education programs. Nor should they since such cooperative efforts may place carriers at risk of violating anti-trust laws. The proper entity to provide outreach materials, free of association with specific carriers or relay providers, is a neutral governmental body, or an agent of the government, such as the Administrator of the Interstate TRS Fund.<sup>27</sup> Carriers and relay providers will continue their current practices of

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<sup>26</sup> Notice at &46.

<sup>27</sup> This function falls within the parameters of a national outreach effort supported by the Interstate TRS Fund and the Fund administrator suggested by the Commission in its Improved TRS FNPRM. See, In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CC Docket No. 99-67, Report and Order, and Further Notice of Proposed Rulemaking ("Improved Services FNPRM"), Released March 6, 200, at &134.

attending various conferences where they will mix TRS outreach materials with company-specific and relay provider-specific materials.

**THE REQUIREMENT TO PLACE TRS OUTREACH INFORMATION AT PAYPHONES IS IMPRACTICAL AND UNENFORCEABLE**

The Commission seeks comment on whether carriers should be required to place instructions on how to make TRS payphone calls, on or near TTY payphones located in public areas.<sup>28</sup> The Industry Team believes such a requirement would be impractical, unenforceable, and of questionable legality, especially since more effective means of outreach exist.

First, payphones have a finite amount of space and PSPs already are currently required to post disclosures that consume that limited space.<sup>29</sup> Requiring PSPs to post TRS educational materials or instructions, if it could be done, would not only add costs to the already financially constrained payphone operations of PSPs, but also would use up more of the limited space. Also, the additional information would further clutter the information already on payphones, possibly leading to consumer confusion.

Second, not all carriers own payphones and those who do may not own or control the space near the payphone. Even PSPs who do own their payphones may have contractual limitations on information that can be posted on or near the payphone. Accordingly, the Commission could not generally enforce a policy requiring the placement of TRS educational materials on or near payphones.

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<sup>28</sup> Notice at &47.

<sup>29</sup> *E.g.*, 47 U.S.C. § 226(c). It is not clear that the Commission has authority to require postings for other purposes.

Third, state regulatory commissions sometimes license PSPs and many localities have ordinances addressing payphones and their appearance. Thus, any effort by the Commission to eliminate and preempt this power of the local authorities would surely meet resistance from those entities.

In any case, the Industry Team believes that other proposed outreach mechanisms that educate consumers prior to approaching a payphone, in particular, targeted consumer education letters and informational booths at conferences, would be sufficient to educate consumers about the new coin sent dialing methods.

Nevertheless, should the Commission insist on further investigating on-site payphone instructions, the Industry Team recommends the Commission work with state regulatory commissions to modify and/or adopt state-level payphone licensing requirements addressing TRS educational information.

**WEB SITE OUTREACH SHOULD BE UNDERTAKEN BY A GOVERNMENTAL BODY**

The Commission proposes that carriers establish a joint web site for individuals to obtain information about making relay calls from payphones.<sup>30</sup> For the same reasons the Industry Team does not support a common industry informational booth discussed above, so it believes it is not feasible for carriers to maintain and share the costs of a joint web site on a permanent basis. A much more practicable option would be for the Commission itself to establish a web site with TRS educational material, or select an entity (possibly NECA) to establish and maintain such a web site or web page.

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<sup>30</sup> Notice at &48.



**THE COMMISSION SHOULD GIVE CARRIERS SUFFICIENT TIME TO PLACE TRS  
PAYPHONE INFORMATION IN THEIR DIRECTORIES**

The Commission seeks comment whether to require carriers to place instructions how to place a TRS call from payphones and how to pay for such calls in their telephone directories.<sup>31</sup> Although the Industry Team supports this proposal, potential complications exist. For example, as GTE and other Industry Team members have pointed out, public information placed in directories should change as little as possible over time. Therefore, any requirement to publish such information in directories should not be effective until a final decision on coin sent TRS calls from payphones is made by the Commission. Similarly, and somewhat relatedly, because directories are typically published only periodically, often annually, the Commission would need to give carriers a sufficient window of time after the effective date of its final Order to include TRS educational materials in their directories.

**CARRIERS WILL UTILIZE SUGGESTIONS MADE BY REPRESENTATIVES OF PERSONS  
WITH DISABILITIES TO IMPROVE MATERIALS AND PRESENTATIONS**

In its Notice, the Commission proposes that carriers should regularly consult with representatives of persons with hearing and speech disabilities regarding payphone outreach efforts and to determine the effectiveness of each consumer education program.<sup>32</sup> As discussed above, the Industry Team will work closely with representatives of consumer organizations to develop a consumer education letter and new wallet-sized cards reflecting the Commission's new TRS payphone rules. The content developed for this letter should serve as the basis of information carriers place in their directories.

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<sup>31</sup> Notice at &49.

<sup>32</sup> Notice at &50.

The Industry Team does not see the need for special meetings confined to carriers and consumer groups to evaluate the effectiveness of the other proposed outreach measures since the new measures should be undertaken by a governmental entity. The materials and presentations that will be made available at a governmentally staffed booth and web site should build upon existing materials and incorporate new suggestions made to the governmental entity by consumer groups, relay providers, carriers, and PSPs. The effectiveness of these outreach efforts should be the responsibility of the assigned governmental entity. Carriers may then incorporate ideas and materials developed in the national outreach efforts in their own outreach materials. Carriers, will of course, utilize suggestions made by representatives of persons with disabilities to improve materials and presentations, as they do now. Finally, as discussed above, the Industry Team does not believe it is appropriate to place educational materials at payphone locations or to establish a joint industry web site.

**NATIONAL OUTREACH, UNDERTAKEN BY A GOVERNMENTAL BODY, IS AN ESSENTIAL COMPONENT OF EXPANDED TRS CONSUMER EDUCATION**

The Commission seeks comment on the extent to which outreach efforts mentioned in the Notice should be coordinated with the efforts discussed in the Further Notice to its Improved TRS Order.<sup>33</sup> The Industry Team believes that certain educational efforts, such as web site outreach and informational booths, would be most effectively performed on a centralized basis by a governmental body. The Industry Team also strongly supports including information explaining the TRS payphone requirements in the outreach mechanism of that Order. National outreach mechanisms promise to be the most effective means of increasing consumer awareness of all aspects of TRS.

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<sup>33</sup> Notice at &51.

**A ONE-TIME REPORT WILL BE SUFFICIENT SHOULD THE COMMISSION REQUIRE ONE**

Finally, the Commission proposes that carriers submit a report detailing the steps they have taken to comply with the final TRS payphone education requirements one year after the final rules are adopted. If the Commission concludes that carrier efforts have been adequate, further reports may not be required.<sup>34</sup> The Industry Team believes current outreach efforts have successfully educated TRS users about the functionally equivalent alternatives to coin dialing from payphones. Moreover, since expansion in consumer outreach efforts should be the responsibility of the government or an agent of the government, carrier reports would not provide the information necessary to evaluate the success of future outreach efforts.

However, if the Commission were to require carriers to file such reports, a one year report would be sufficient. The Industry Team notes again its conviction that some education efforts, such as a conference booth and web site outreach, are best handled by a governmental body. These national outreach efforts, as well as outreach activities undertaken by carriers should be taken into consideration at the end of the first year from the date on which the new rules become effective.

**THE COMMISSION SHOULD NOT REQUIRE TTY-TTY THROUGH RELAY**

In its Notice, the Commission notes that the Alternative Plan does not address TTY-TTY calls from payphones. The Commission concludes that it must ensure that TRS users can make TTY-TTY calls from payphones at rates equivalent to voice-to-voice calls.<sup>35</sup> Since equivalent toll rates would require allowing callers who make TTY-TTY calls from payphone to use their toll carrier of choice, the Commission proposes that relay providers permit TTY-TTY toll calls from payphones using the caller's carrier of their choice.

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<sup>34</sup> Notice at &52.

<sup>35</sup> Notice at & 53.

Although deaf and hard of hearing persons may make TTY-TTY calls from payphones, a TTY-TTY call is not a TRS call.<sup>36</sup> This is the view the Commission has held since concluding that "...none of the services offered as [operator services for the deaf] OSD is a TRS because OSD are TTY-to-TTY services."<sup>37</sup> Because the Commission's "equivalent rate authority" is limited to relay calls, the Commission therefore does not have authority to require TTY-TTY toll calls placed from payphones to be offered at rates equivalent to voice calls.<sup>38</sup>

Perhaps the Commission is concerned that CAs are not instructing persons who wish to make a toll TTY-TTY call from a payphone how to use deaf operator services, or that persons are not sufficiently aware of deaf operator services. If this is the case, the Industry Team proposes that it would be appropriate to include information about the availability and use of deaf operator services in the general outreach requirements, as well as any outreach and education efforts, if any, established in the Further Notice to the Improved TRS Order.<sup>39</sup>

**THE CONSUMER/DISABILITY TELECOMMUNICATIONS ADVISORY  
COMMITTEE IS THE APPROPRIATE BODY TO IDENTIFY FEASIBLE  
TECHNICAL SOLUTIONS FOR COIN SENT RELAY CALLS FROM PAYPHONES**

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<sup>36</sup> 47 C.F.R. Section 64.601(7).

<sup>37</sup> In the Matter of Establishment of a Funding Mechanism for Interstate Operator Services for the Deaf, Memorandum Opinion And Order, Rm 8585, Released: February 21, 1996, &19.

<sup>38</sup> 47 C.F.R. Section 64.601(d)(1)(D).

<sup>39</sup> In the Matter of Telecommunications Relay Services and Speech to Speech Services for Individuals with Hearing and Speech Disabilities ("Improved TRS Order"), Further Notice of Proposed Rulemaking, CC Docket No. 98-67, released March 6, 2000.

In August 1997, the Commission maintained that the coin signaling interface solution for TTY coin sent-paid calling did not appear to be technically feasible or provide functionally equivalent payphone service for persons with hearing and speech disabilities.<sup>40</sup> In its 1998 and 1999 Orders that suspended enforcement of its coin sent-paid requirement, the Commission continued to affirm its August 1997 finding “...that coin sent-paid services through TRS centers was still not technically feasible and that no technological solution appeared imminent.”<sup>41</sup>

The Industry Team has continued to monitor technical developments since 1995 to determine whether a technical solution is both technically and economically feasible, and functionally equivalent with traditional coin sent-paid payphone calls. Over the years, informal conversations with switch developers, payphone manufacturers, and software developers have failed to identify a technical solution to date.

Last May, the Industry Team sought to determine whether a technical solution had become feasible in a more formal manner.<sup>42</sup> In particular, letters were sent to leading telecommunications research and development companies, Lucent, Siemens, Nortel, Rockwell and Essential Communications, requesting quotes for a technical solution to TTY calls from payphones to TRS centers. The parameters for the desired technical solution were set broadly to give respondents flexibility to devise a workable solution. The only

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<sup>40</sup> In the Matter of Telecommunications Relay Services, and the Americans with Disabilities Act of 1990, CC Docket No. 90-571, Order, Released August 21, 1997, at ¶16.

<sup>41</sup> Telecommunications Relay Services and the Americans with Disabilities Act of 1990, CC Docket No. 90-571, Order, Released, August 10, 1998, at ¶ 3; Telecommunications Relay Services and the Americans with Disabilities Act of 1990, CC Docket No. 90-571, Order, Released, August 20, 1999, at ¶ 3.

<sup>42</sup> Report of Coin Sent-Paid Industry Team, CC Docket 90-571, July 6, 2000, at 11.

requirement was for calls made from coin telephones to continue to be made by non-TTY users and any TTY user, either by changing existing coin signaling or adding new technology to permit TTY users to see a TTY message for their coin deposit requirements.

Only one company, Siemens, responded to the request for quotes. They confirmed they understood the technical parameters but stated that they were unable to provide a solution. Furthermore, the Industry Team held conversations with Essential Communications, a consulting firm that had polled many small telecommunications firms, through which the Industry Team learned that smaller firms also had no interest in spending time developing a solution. Among the concerns relayed by Essential Communications was that any solution would be just too cumbersome and unfriendly to payphone customers.

The Commission seeks comment on whether and how to monitor technological developments to determine whether it may be feasible to offer coin sent-paid service through relay centers from payphones at some future date.<sup>43</sup> While the Industry Team's recent examination of this issue shows no solution is likely in the near future, the Industry Team also learned that feasibility of coin sent service through relay centers from payphones is not simply a technical issue. In order for a solution to be feasible, it must be, among other things, technically possible and economically viable. Not only must payphone service providers be able to afford changing-out their equipment for equipment that supports the technical solution, manufacturers and developers have to have some reasonable assurance that they will recover their research and development costs. It is simple economics to see that any change-out will become more and more difficult to afford as the total number of payphones continues to decline in the face of increasing number and use of wireless devices,

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<sup>43</sup> Notice at & 56.

and, similarly, manufacturers and developers lack incentive to develop a solution because they will likely be deprived of necessary economies of scale.<sup>44</sup>

For these reasons, the benefits of requiring carriers to continue to monitor technological developments that might support coin sent TRS calls from payphones are negligible. Consequently, the Commission should not require carriers to actively monitor these developments or file reports when new technical developments arise. In contrast, the Industry Team agrees that the Consumer/Disability Telecommunications Advisory Committee could serve as a forum to identify promising possible technical solutions. The Commission could even charge the Advisory Committee to develop a periodic, perhaps every three years, request for proposals for a technical solution. If a technical solution happened to show promise, the Advisory Committee could begin a more detailed and formal inquiry into the feasibility of coin sent dialing from payphones through TRS centers.

**THE INDUSTRY TEAM DOES NOT OPPOSE REIMBURSING FOR COSTS ASSOCIATED WITH FREE LOCAL CALLING, ALTHOUGH RELAY ACCESS FROM PAYPHONES WILL CONTINUE WITHOUT SUCH REIMBURSEMENT**

Free local calling from payphones has been a prominent feature of the Alternative Plan. This feature has potentially impacted PSPs and relay providers. Under the Commission's Payphone Compensation Rules, owners of 800 and dial-around numbers are not obligated to compensate PSPs for calls to relay centers.<sup>45</sup> Similarly, relay providers complete local payphone calls over their networks, incurring long distance transport costs and originating and terminating access charges. The Commission asks whether free local

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<sup>44</sup> The recent development of disposable, paper wireless phones, to be made available on a prepaid basis for 16 cents a minute, will add to the decline of payphone units caused by presubscribed wireless services. *See* Attachment 4.

<sup>45</sup> 47 C.F.R. § 64.1300(b).

relay calling from payphones interferes with the ability of carriers to provide TRS users access from payphones.<sup>46</sup> This feature of the Alternative Plan has been in effect since 1995, and has not affected the ability of PSPs or carriers to provide TRS users access from payphones. The Industry Team does not oppose reimbursement for the uncompensated costs of local calling from payphones, but does not believe it is required in order to ensure continued availability of TRS access from payphones.

## **CONCLUSION**

For the foregoing reasons set forth in these comments, the Commission should adopt the recommendations of the Coin Sent-Paid Industry Team.

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<sup>46</sup> Notice at ¶57.